

CARNEYS POINT TOWNSHIP
SPECIAL MEETING MINUTES
APRIL 16, 2012
6:30 PM

The Special Meeting of the Township Committee was held on the above date at the time of 6:30 p.m. Committeemen Newton, Racite, Dennis, Brown and Pelura were present. Also present at this meeting were M. Stout- CMFO / Administrator, J. Proffitt-Township Clerk, Officer Giordano and Allen Zeller Redevelopment Attorney.

Mayor Pelura called the meeting to order, he read the **Opening Public Meeting Act**. Mayor Pelura led the **Pledge of Allegiance to the Flag** and roll call was taken.

Mayor Pelura mentioned an Educational Enhancement for Marie Stout to attend a seminar on bankruptcy on April 18, 2012 at a cost of \$99.00. Mrs. Stout said this will conclude all the CEU's she needs for her certification. Dr. Racite motioned to approve, seconded by Mr. Dennis and all were in favor.

Mayor Pelura said there were two Raffle Applications for Our Merciful Saviour Episcopal Church on May 11th at the Sakima Country Club. He said one is a 50/50 and the other is a Basket Raffle. Motion was made by Mr. Newton to approve, seconded by Mr. Dennis and all were in favor. Mayor Pelura said there was a Bingo Application for Our Merciful Saviour Episcopal Church on May 11th at the Sakima Country Club. Motion was made by Mr. Dennis, seconded by Mr. Newton and all were in favor.

Mayor Pelura said he was going to rearrange the agenda a little and introduced Attorney Allen Zeller of Zeller & Wieliczko, LLP the Township's Special Counsel on Redevelopment. Mr. Zeller spoke of the three resolutions before the board tonight and that he would like to explain each of them. Mr. Zeller started by explaining that in 2009 the Township adopted a Redevelopment Agreement for Block 1, Lot 16 which is 47 7th Ave. He said a study was done that resulted in this plan. The Plan was recommended and eventually adopted by the Township. The Plan spoke of a 60 unit redevelopment project, proposed by Tri-County Real Estate Maintenance Company and/or Affordable Salem, Inc. This project is being targeted for disabled citizens and disabled Veterans. Mr. Zeller mentioned in the past the negotiations broke down which resulted in a builders remedy lawsuit. Mr. Zeller said the Litigation is still pending. Mr. Zeller spoke of the Mount Laurel Decision in which resulted in the State rendering a decision to provide affordable homes (COAH) in each Municipality. There was a fair share or number needed to meet the obligations provided by the State. The rounds were seven years between. Mr. Zeller said this project will go before the Planning Board tomorrow night. They are not asking for any variances to build on this site. He said they are within the Master Plan and Redevelopment Plan. Mr. Zeller said Tri-County came back to the Township and was willing to meet the Townships needs, and as a result try to resolve the litigation. Mr. Zeller said there were three conditions that had to be met before the Township even spoke to them. One being for them to pay all past legal fees up to \$250,000.00., another is having them pay \$25,000 towards the Township's legal expenses in negotiating this current agreement and lastly paying for the Planning Board fees. Tri-County now has to acquire financing for the project through NJHMFA by April 30th. Everyone is very sure they have enough credits to be funded. Mr. Zeller said if this does not pass tonight then the property will go back on the block for development.

Mr. Zeller discussed the three resolutions up for adoption tonight. The first is the Township waiving the construction fees for the project. This is just in-house construction

inspections. Mr. Zeller said it should be between 2 to 3 thousand dollars. The second is to allow for the Township Committee to execute a redeveloper's agreement for this site, and lastly, the signing of a PILOT Tax Abatement. Mr. Zeller finished his brief statement and turned the meeting back over to the Mayor.

Mayor Pelura then turned the meeting over to Mr. Dennis for the Public questions and comments. Mayor Pelura, Mr. Brown and Dr. Racite left the Dias and sat in the audience because of being in conflict. Ed Voyles of PennsGrove Auburn Rd. spoke of the Township being COAH Certified and still was sued for a builders remedy lawsuit. Felt lied to by Mr. Bibeau on the last project. That cost the residents of this Township millions. What guarantee does the Township have if Mr. Bibeau's finding does not go through? Will we ever see a dime of what he owes this Township? Mr. Voyles asked about the PILOT Agreement and how much is the agreement for. Mr. Dennis said 30 years. Mr. Voyles said he felt the Township should have countersued from the past dealings with Mr. Bibeau. Mr. Zeller spoke of a fee shifting stature with allows for the person to sue the other party after the decisions are done. Mr. Zeller said this statute was never put in place. Mr. Voyles moved on to address the marketing of the facility as for disabled adults and Veterans. He asked how many of the 60 will be set aside for those people 10, 20 %. Mr. Bibeau answered that every unit will be handicapped equipped. He is hoping to get 100% disabled adults and Veterans but he cannot discriminate against anyone.

Mary Ottinger of Leap Ave. said the building does not fit the lot. She said it will be a three story and the houses in the area are all 1 or 1/2 stories. This will affect the privacy of the home owners in the area. She said I know what will go in these apartments, she works for HUD. She said Mr. Bibeau had options to go elsewhere but would have cost him more. Mrs. Ottinger commented that Riversbends, the Landings are crying for people. What kind of people are going to be put at this site?

Joe O'Donald of N. DuPont Rd. said a few meetings ago Mrs. Ottinger spoke of the beautiful buildings that Mr. Bibeau build. She said he does great work and she just wanted someone to oversee this project. Her statements today are very different. Mrs. Ottinger asked Mr. O'Donald if he works for Mr. Bibeau. He said no.

Bill Dennis of 7th Ave. mentioned the water issues on that lot. He said there have been water issues in the past and what is going to be done to correct this problem. Mr. Zeller said that will be addressed at the planning board meeting tomorrow night. Mr. Zeller said the Planning Board Engineer will make sure all drainage and stormwater issues are addressed.

Bobbie Santiago of 6th Ave. also asked about the % of units that will be put aside for special needs people. She wants to know what that number is going to be. Mr. Bibeau said each unit will be built to allow for special needs individuals. He commented he did a market study and found a need for this type of housing and is marketing towards special needs people. Mrs. Santiago said call it what it is, low income housing. Mr. Bibeau said he cannot by Federal Law discriminate against anyone looking for housing. Mr. Bibeau said in order to live in these housing units the person will have to have a minimum and maximum income.

Mark Lee of 7th Ave. spoke of rumors he heard around the neighborhood, such as they don't want disabled people or any more blacks in this area. He said it is not right to slander people. Officer Giordano told Mr. Lee he can grieve this through the court system. Mr. Lee asked about the 120 credits the Township is going to be getting for the 60 units. Mr. Zeller explained the credits for certification. Mr. Lee asked about school taxes. He said he was told no more than 48 school age children in the school system. He is not sure of this calculation. Also, spoke of impact on the environment and wild live. Mr. Lee says he sees deer and turkeys all the time on this lot. Mr. Lee spoke of the Police not caring about license plates from out to state in the Township. He said he was told the Police did not have time. Mr. Lee said if this is going to go up than let it be right.

Martin Cleary of Broad St. asked why is Mr. Bibeau looking at putting the handicapped people in the swamp and not along the river on that lot he owns. Along the river he feels they could enjoy themselves better.

Rich Gatanis of Pinewood Ave. said he feels sorry for the residents who live in the area where this housing project is going to be built. He said if this was being built in any of the Committee's back yards they would not like it either. Mr. Gatanis asked how long the PILOT is for. Mr. Zeller said 30 years at 10% which is standard. Mr. Gatanis said Mr. Bibeau also got special rates for sewerage for this project.

With no more comments or questions the open portion was closed. Mr. Dennis read the resolutions.

**RESOLUTION 2012-77
WAIVING CONSTRUCTION FEES**

Motion was made by Mr. Dennis seconded by Mr. Newton to approve the waiving of construction fees for the affordable housing development by Tri-County Real Estate Maintenance Co. and or Affordable Salem, Inc. Mr. Dennis and Mr. Newton voted yes.

**RESOLUTION 2012-78
DEVELOPER'S AGREEMENT FOR 47 7TH AVE.**

Mr. Dennis made a motion to approve the execution of a Developer's Agreement for the redevelopment plan for 47 7th Ave. Mr. Newton seconded the motion. Mr. Dennis and Mr. Newton voted yes.

**RESOLUTION 2012-79
EXECUTION OF A TAX ABATEMENT AGREEMENT**

Motion was made by Mr. Dennis, seconded by Mr. Newton to approve the execution of a tax abatement agreement relating to the construction of up to 60 units of affordable homes by Tri-County Real Estate Maintenance Co. and or Affordable Salem Inc. Mr. Dennis and Mr. Newton both voted yes.

Mayor Pelura, Mr. Brown and Dr. Racite rejoined Mr. Dennis and Mr. Newton on the Dias. Mayor Pelura made a comment to what Mr. Lee said about the Police not caring about vehicles with out of State license plates in the Township. Mayor Pelura said the Police did look into that when Chief Spinelli was here. He said the people in the apartments were not the names of the people on the lease. So they said they did not live here and the Police could not legally do anything.

There were no Old or New Business to discuss so Mayor Pelura asked for a motion to adjourn.

Motion was made by Dr. Racite to adjourn, seconded by Mr. Dennis. Motion passed with five affirmative votes. Meeting adjourned at 7:59 p.m.

5-3-2012
Approved: _____

June Proffitt
June Proffitt, Municipal Clerk